

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 150

May 26, 1999, 5:07 p.m.  
Page S-6025 Temp. Record

## DEFENSE AUTHORIZATION/DoD and Prison Labor Purchases

**SUBJECT:** National Defense Authorization Act for fiscal year 2000 . . . S. 1059. Gramm motion to reconsider the vote on the Gramm amendment No. 392.

### ACTION: MOTION TO RECONSIDER AGREED TO, 51-49

**SYNOPSIS:** As reported, S. 1059, the National Defense Authorization Act for fiscal year 2000, will authorize a total of \$288.8 billion, which is \$8.3 billion more than requested by the Clinton Administration and which represents a 2.2-percent real increase in defense spending. Highlights include a 4.8-percent pay raise and a \$3.4 billion increase in military construction.

**The Gramm amendment** would strike section 806. That section will effectively eliminate mandatory source status for products produced by Federal Prison Industries (FPI) that are purchased by the Defense Department. FPI is a wholly-owned corporation of the Federal Government that makes products using Federal prison labor. The mandatory-source status gives FPI the right to make and sell goods to Federal agencies at market prices when those agencies seek outside contractors. The FPI conducts market research to determine the normal prices for the goods it produces and it makes catalogs of the products it produces available to Federal agencies. If an agency believes that FPI cannot meet its delivery, price, or technical requirements, it can request a waiver from the FPI to seek a different contractor. Waiver requests, on average, are acted upon within 4 days, and an average of 90 percent of waiver requests are approved. An agency can also negotiate on price. Approximately 25 percent of Federal prisoners who are eligible to work work for Federal Prison Industries. Approximately 60 percent of all FPI purchases are by the Defense Department. Proceeds from sales are used to offset the costs of incarcerating Federal prisoners. Prisoners are required to use a portion of their wages to pay restitution to their victims. Section 806 will change this system by requiring the Defense Department to conduct market research to determine if a product produced by FPI is comparable in price, quality, and time of delivery to products produced by the private sector. If not, it will use competitive bidding to purchase that product. Also, it will exempt entirely from FPI requirements purchases of any products: that are integral or embedded in non-FPI products; that are national security systems; or that are below the micropurchase threshold. "National security" requirements will be defined as certain telecommunications or information systems.

(See other side)

YEAS (51)			NAYS (49)			NOT VOTING (0)	
Republicans (40 or 73%)		Democrats (11 or 24%)	Republicans (15 or 27%)		Democrats (34 or 76%)	Republicans (0)	Democrats (0)
Ashcroft	Hatch	Biden	Abraham	Akaka	Kerry		
Bennett	Helms	Byrd	Allard	Baucus	Landrieu		
Bond	Hutchison	Dorgan	Bunning	Bayh	Lautenberg		
Brownback	Jeffords	Durbin	Enzi	Bingaman	Leahy		
Burns	Kyl	Feinstein	Gorton	Boxer	Levin		
Campbell	Lott	Graham	Grassley	Breaux	Lieberman		
Chafee	Mack	Hollings	Hutchinson	Bryan	Lincoln		
Cochran	McCain	Kerrey	Inhofe	Cleland	Mikulski		
Collins	McConnell	Kohl	Lugar	Conrad	Moynihan		
Coverdell	Murkowski	Rockefeller	Sessions	Daschle	Murray		
Craig	Nickles	Torricelli	Shelby	Dodd	Reed		
Crapo	Roberts		Smith, Bob	Edwards	Reid		
DeWine	Roth		Smith, Gordon	Feingold	Robb		
Domenici	Santorum		Thomas	Harkin	Sarbanes		
Fitzgerald	Snowe		Warner	Inouye	Schumer		
Frist	Specter			Johnson	Wellstone		
Gramm	Stevens			Kennedy	Wyden		
Grams	Thompson						
Gregg	Thurmond						
Hagel	Voinovich						

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

The Senate initially had voted against the amendment by a vote of 49-51 (see vote No. 146), with Senator Gramm voting in the negative in order to be able to move to reconsider the vote (only a Senator on the prevailing side of a question may move to reconsider a vote). Immediately after that vote, Senator Gramm moved to reconsider.

NOTE: After this vote, the Senate adopted the amendment by voice vote.

For debate, see vote No. 146.